UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
_____x

In Re: Chapter 13

Douglas Phelan and Mary Phelan   Index No. 08-36432
_____x

<u>AFFIRMATION</u>

DOUGLAS PHELAN AND MARY PHELAN, affirm under the penalties of perjury that we have

knowledge of the facts and circumstances stated herein, except as to those matters stated upon information

and belief, and those which we believe to be true.

1.   This affirmation is submitted to dismiss this joint bankruptcy petition. Mary Phelan has lost her job

and has no way to fund a feasible plan.

2.   The case was not converted from any other Chapter under the code.

WHEREFORE, affiant respectfully requests an order to dismiss this case.

DATED: September 29, 2009
         Spring Valley, New York

                        _____/s/_____
                        DOUGLAS PHELAN AND MARY PHELAN

Sworn and subscribed to before me September 29, 2009
_/s/____
Notary

                  <u>CERTIFICATE OF SERVICE</u>

STATE OF NEW YORK)
COUNTY OF ROCKLAND)

I, Joshua N. Bleichman, an attorney admitted to practice before this Courts affirm under the penalties of
perjury that I am not a party to this action and I am over the age of 18 years old. I have has offices at 268
Route 59 Spring Valley, New York and I served the within Affirmation to Dismiss on September 29, 2009
by ECF to Jeffrey Sapir, Chapter 13 Trustee 399 Knollwood Suite 103, White Plains, NY 10603.

                        _____/s/_____
                        Joshua N. Bleichman

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
_____x

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ORDER DISMISSING CHAPTER 13 CASE

XX -   The debtor, DOUGLAS PHELAN AND MARY PHELAN, has filed
a motion in accordance with 11 U.S.C. §1307(b) seeking to dismiss this
case, and it appears that the case has not been converted previously under
11 U.S.C §706, **§** 11118, or §1208.

A party in interest other than the debtor has filed a motion in accordance with 11
U.S.C **§** 1307(c) seeking to dismiss the case. The court finds, after notice
and a hearing, that the motion should be granted.

IT IS ORDERED THAT:

1. This chapter 13 case is dismissed as to DOUGLAS PHELAN AND MARY
PHELAN

2.   [Other provisions as needed]

_____
Honorable Cecelia Morris, USBJ